

**Town of Whately  
Community Preservation Committee Plan  
December 2016**

**I. Introduction**

The Community Preservation Act (the “CPA”, MGL Chapter 44B) is statewide enabling legislation allowing cities and towns in the Commonwealth of Massachusetts to adopt a property tax surcharge with revenues from this surcharge (plus state matching funds) to be used for open space preservation, creation of community housing, preservation of historic buildings and landscapes, and creation and preservation of recreation opportunities. Whately adopted the CPA at the 2008 Annual Town Meeting and at a State Election in November 2008. The surcharge went into effect with the start of Fiscal Year 2010 on July 1, 2009.

Consistent with the requirements of the CPA and with the Whately bylaw, the Community Preservation Committee (“CPC”) was formed to study the needs, possibilities and resources of the town regarding community preservation. The CPC, appointed by the Selectmen, includes representatives of the town’s Conservation Commission, Historical Commission, Planning Board, Recreation Commission, Housing Committee, and two at-large citizen members.

Our plan is based on a review of existing town studies, including the 1994 Master Plan, 2006 Open Space and Recreation Plan, the 2009 Whately Reconnaissance Heritage Inventory Landscape Report and the draft of the 2011 Housing Chapter of the Master Plan and outreach to the Select Board, Conservation Commission, Agricultural Commission, Planning Board, Historical Commission and Housing Committee for their input on goals and priorities for Whately CPA projects.

CPA funds may be used for open space, historical preservation, community housing, and recreation. This plan outlines goals and priorities for each of these areas, the CPC’s overall project criteria and criteria for each type of project, and a prototype project application.

**I. Open Space**

The Terrain. Within its boundaries, the Town of Whately contains two contrasting landscapes: a flat plain stretching between the Connecticut River and the Mill River in eastern Whately, and high hills with valleys carved by brooks in the western portion of town. Whately is located in southern Franklin County and neighboring towns include: Hatfield to the south, Williamsburg to the south and west, and Conway and Deerfield to the north. The Connecticut River forms the eastern boundary of the town. The glacial lake bottom sediments and floodplain soils in the eastern portion of town form the fertile lowlands that characterize East Whately. A complex of moderate uplands extends west from the town’s eastern lowlands and dominates the western part of town. Elevations increase from 200 feet to 300 feet on the eastern border of the uplands to between 800 and 1,000 feet near the Whately/Williamsburg border. The predominant uplands in Whately are Mount Esther, Chestnut Mountain, and Dry Hill, all part of the eastern foothills of the Green Mountains. The Mill River bisects the town and drains a portion of East Whately and the hills of West Whately via Roaring Brook, Esther Brook and West Brook and their tributaries. Most of the lowlands of East Whately drain to the Connecticut River.

Open space is generally defined as undeveloped land. In Whately, open space includes large tracts of forested land, open upland ridge line views, streams and wetlands, agricultural fields, scenic views, and significant historical structures and landscapes. These natural resources and landscapes are what make Whately unique. Planning for the protection of Whately's "green" infrastructure will enable the town to proactively manage growth, protect wildlife habitat, ensure the integrity of drinking water supplies, continue to provide residents and visitors with a variety of outdoor recreation opportunities, and, at least in part, provide for residents' livelihoods.

As the table below indicates, almost 20% of the land area in Whately is permanently protected from development. Attachment 1 shows the permanently protected parcels by type.

Permanently Protected Land In Whately - 2016		
	acres	% of town
Agricultural Preservation Restriction	682	5.1%
Conservation Restriction	784	5.9%
Dept of Conservation & Regreation, Dept of Fish & Game	1157	8.7%
<u>Cemeteries</u>	17	0.1%
<b>Total</b>	<b>2640</b>	<b>19.9%</b>

Sources: Mass DOA, MAGIS, Franklin Land Trust, Whately assessor

Another 42% of Whately land is partially protected.

Partially Protected Land In Whately - 2016		
	acres	% of town
Other Town-owned	117	0.9%
Public Drinking Water Supply	551	4.2%
<u>Chapter 61, 61A, or 61B*</u>	<u>4887</u>	<u>36.9%</u>
<b>Total</b>	<b>5555</b>	<b>41.9%</b>

\*Includes total area for parcels with at least some portion under chapter, so is somewhat overstated. Acreage under APR and tax-paying CR acreage has been deducted.

Sources: Mass DOA, MAGIS, Franklin Land Trust, Whately assessor

### Open Space, Farmland and Forest Land Goals

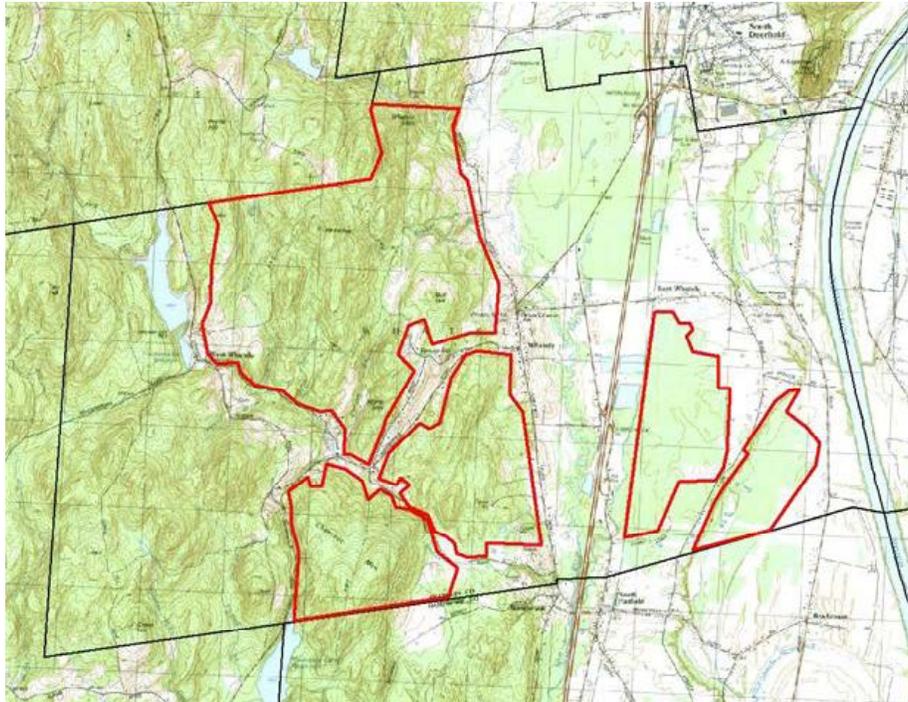
- 1) To preserve and enhance the special rural and agricultural landscape which makes the Town of Whately unique – the farms of East Whately; the ridges and forests of West Whately; and the town's scenic roadways and historic landscapes.
- 2) To protect and, where necessary, enhance the quality of Whately's natural resources including: groundwater and surface water quality and quantity; wildlife habitat; wetlands; and contiguous blocks of forested land.

## Open Space, Farmland and Forest Land CPA Project Priorities

Purchase or acquire development rights of land for:

- Preservation of farm property
- Protection of public drinking water supply
- Preservation of forest land
- Maintenance of scenic views and historic landscapes
- Protection of wildlife habitats

Priority will be given to projects in the areas highlighted in the map below.



## II. Historic Preservation

The History. Whately's fertile soils, abundant water resources and wildlife-filled uplands provided Native Americans adequate subsistence resources. Native settlements were probably concentrated in Whately's eastern lowlands, particularly near the Mill River and the Connecticut River, in an area that belonged to the Norwottucks, or Fresh Water Indians, and their Sagamore (leader), Quonquont. The land within the Town of Whately's borders was once North Hatfield. The land had been purchased by Hatfield in 1695 from Quonquont's widow and children. Whately was incorporated in 1771 and named by then Massachusetts Governor Hutchinson for Thomas Whately, a political mentor of his who was a member of the British Parliament.

Early colonial settlers grew crops in the valley and uplands, hunted in the forests, and built mills along the many brooks. Pits of red clay, rich in iron deposits, made good bricks and provided material for twenty-one potters in Whately between 1778 and 1861. Beds of lead, potash, umber, and sienna supplied incomes for many in the late 1800's. Whately's abundant and powerful streams powered numerous mills in the 18th and 19th centuries, including: grist mills, sawmills, woolen mills and

furniture mills. The neighboring towns of Northampton and Deerfield take their drinking water from Whately's two largest streams, West Brook and Roaring Brook, respectively.

Whately's three by six-mile area includes some of the most fertile river valley land in New England and is one of the few areas where the high quality Sumatra tobacco can be grown outside of Indonesia. Tobacco has been a cash crop in town since the mid- 1800's and was a particularly large source of income and a way of life in Whately from the 1940's through the 1960's.

Historic Resources. Whately is fortunate in retaining much of its historic character, with many historic structures and neighborhoods. With its beautiful homes and large trees set back from the road, Whately's main street, Chestnut Plain Road, is said to be one of the finest main streets in New England. Both Whately Center and West Whately are listed on the National and State Registers of Historic Places. The town's historic inventory includes listings for many important neighborhoods and farms, as well as descriptions of more than 100 historic buildings and other structures. Whately has designated Chestnut Plain Road, North Street, Haydenville Road, and portions of Conway Road and Poplar Hill as scenic roads, in recognition of their historic character and importance to the town's history. The map in Attachment 2 identifies important scenic resources and unique environments in Whately.

In the 2009 Whately Heritage Landscape Inventory Report (also known as the Whately Reconnaissance Report), the town identified five heritage landscapes it believes most worthy of preservation. Heritage landscapes are those special places created by human interaction with the natural environment that help define the character of a community and reflect its past. The five which Whately identified are

- Whately Center
- Whately Cemeteries
- North Street Corridor
- Tobacco Barns
- West Brook Mill Corridor

Each is representative of the town's history and closely associated with its rural and agrarian character. Their locations are identified in Attachment 3.

#### Historic Preservation Goal

To protect and preserve the Town's historic character, structures and landscapes.

#### **Historic Preservation CPA Project Priorities**

- Update the existing inventory of historic houses, tobacco barns, mill sites, and stone walls
- Restore and renovate the town buildings in Whately Center
- Conserve and document gravestones and landscapes in the town cemeteries
- Conserve the town's historic records and artifacts and provide storage to ensure their preservation
- Augment the Historical Society's Oral History Project
- Provide signage and educational material for town historic resources

### **III. Community Housing**

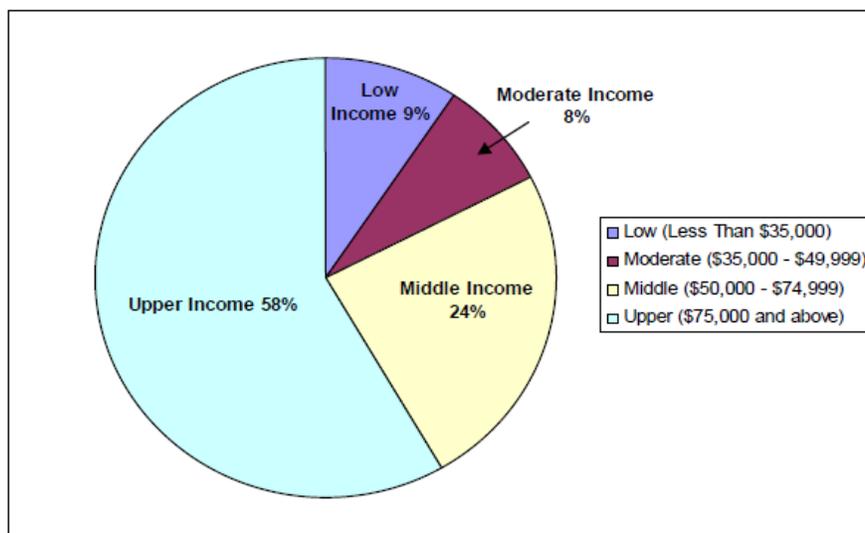
Whately is a rural community with only 72 people per square mile. As of 2010, the town had 1496 residents. Most Whately residents own their homes, with only 91 or 13.9% percent of households

living in rental units in 2009. Fifteen percent of Whately residents were 65 or older in 2010 and, as of 2000, it was estimated that 22% of the total population and almost a third of the population over 65 had some form of disability.

Housing is generally considered reasonably affordable when households spend no more than 30% of their gross income on housing costs. In 2009, it is estimated that 35% of Whately homeowners spent more than 30% of their gross household income on housing costs. Among renters, almost 27% spent more than 30% of their gross income on housing.

As defined in the CPA, community housing is “housing for low and moderate income individuals and families, including low and moderate income senior housing. Low income is less than 80 percent of the area wide median income as defined by HUD; moderate income is below the HUD area wide median income.

For Whately, HUD defines the area-wide median income as the U.S. Census American Community Survey median family income for Franklin County, excluding Sunderland. For 2011, this was \$68,900, 16% below Whately’s median family income of \$81,667. The chart below gives the 2011 distribution of Whately family incomes based on this HUD definition.



Source: 2005-2009 American Community Survey, in 2009 inflation-adjusted dollars.

**Housing Goals**

To provide housing opportunities that are financially attainable and meet the needs of all Whately citizens, with emphasis on seniors, current residents, and people who work within town.

To encourage the innovative use or reuse of existing structures to create diverse housing opportunities while preserving the rural, agricultural character of Whately.

**Community Housing CPA Project Priorities**

- Increase the affordable housing options for low and moderate income individuals and families, including low and moderate income senior housing.

- Assist in the development, promotion, and placement of low and moderate income and senior housing
- Contribute to the goal of 10% affordable housing.
- Provide housing that is harmonious in design, scale, setting and materials with the surrounding community.
- Promote long-term sustainability of affordable housing.
- Investigate housing opportunities in existing buildings or construction on previously developed or town-owned sites.
- Use CPA funds to leverage other funding for the development or rehabilitation of affordable rental and owner-occupied housing for local residents.
- Give priority to Whately residents and town employees.

#### **IV. Recreation**

Whately's rural nature, open fields and large amount of protected open space provides the ideal setting for a variety of active and passive recreational opportunities. Whately consists of protected land that is owned by the Commonwealth and other non-profit agencies that residents may use for picnics, hiking, running, horseback riding, cycling and cross-country skiing, to name a few.

The Massachusetts Division of Wildlife and Fisheries owns more than 700 acres of land which may be used for hunting and fishing (by permit). The Snowmobile Club maintains an extensive network of trails across public and private land for snowmobiling and cross-country skiing (by permit).

There are playgrounds, athletic fields and swimming available at:

- Whately Elementary School (Long Plain Road)
- The old Center School building (Christian Lane)
- The Frontier & Union 38 Regional School District building (Christian Lane)
- Herlihy Field (River Road)
- Whately Volunteer Fire Station (Christian Lane)
- Tri-Town Beach

#### **Recreation Goal**

To offer fun, safe and quality year round recreational opportunities to individuals of all ages, abilities and interests, without regard to race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or programming funded by the Committee.

#### **Recreation CPA Project Priorities**

- Expansion of Herlihy Field to include: new baseball & soccer fields.
- Rehabilitation of existing fields at Herlihy Field to include: irrigation, power & dugouts
- Rehabilitation of the field located at Frontier & Union 38 Regional School District Building
- Foster relationships with area recreational committees to offer additional opportunities

## V. CPA Project Criteria and Application Process

All proposed projects must be eligible for CPA funding according to the requirements described in the legislation. CPA funds can only be spent for four main community preservation purposes – open space, historic preservation, community housing and land for recreational use. These funds cannot be spent on maintenance or used to supplement funds being used for existing community preservation purposes. In addition, up to 5% of the annual Community Preservation revenues can be spent on administrative and operating expenses of the CPC. See Attachment 4 for an outline of the state funding criteria.

Each community preservation project will also be judged based on the priorities for its funding category and the category-specific criteria, as outlined below.

Each project must have a sponsoring group or organization which will be responsible for project design, financial estimates, and implementation. The project should seek the endorsement of a relevant town board or committee whenever this entity exists.

It is anticipated that most CPA funding requests will be made at regular town meeting in the spring. The deadline for submitting final project requests, including detailed cost estimates, will be the second Tuesday in December. Applicants are encouraged to bring preliminary project proposals to the Committee well before this date for feedback.

Time-sensitive projects may be proposed for consideration at a special town meeting in the fall. The deadline for these projects will be the second Tuesday in June.

### General Criteria

The Community Preservation Committee will give preference to proposals that meet the following general criteria:

- Are eligible for CPA funding according to the requirements described in the CPA legislation;
- Are consistent with the Master Plan, Open Space Report, Heritage Landscape Inventory, and Community Development Plan and other planning documents that have received wide scrutiny and input and have been adopted by the town;
- Preserve the essential character of the town as described in the Master Plan;
- Save resources that would otherwise be threatened and/or serve a currently under-served population;
- Demonstrate practicality and feasibility, and demonstrate that they can be implemented expeditiously and within budget;
- Produce an advantageous cost/benefit value;
- Leverage additional public and/or private funds;
- Preserve or utilize currently owned town assets; and
- Receive endorsement by other municipal boards or departments.

## Category-specific criteria

**Open space** proposals, including land protection through purchase or acquisition of development rights, which address as many of the following specific criteria as possible, will receive preference:

- Protect land important for aquifer protection
- Protect active farmland, especially farm parcels with one or more of the following characteristics:
  - Threat of development
  - Adjacent or near to other permanently protected farmland
  - History of successful farming
  - Prime or statewide important soils
- Protect land in one of the five focus areas identified by the Conservation Commission, especially parcels with the following characteristics:
  - High natural resource value
  - High risk of development
  - Protection of which would help protect other portions of the focus area
- Protect land that is part of a large block of unbroken forest
- Protect scenic viewscales
- Leverage other funding sources
- Fit with Whately's zoning bylaws and Master Plan

The Committee has determined that CPA funds used for a portion of the purchase of an Agricultural Preservation Restriction may not exceed 10% of the value of the APR nor a maximum of \$50,000 to any individual farm or farmer in one annual CPA revenue cycle. It is expected that most APR projects funded will be substantially below the \$50,000 figure.

**Historic preservation** proposals which address as many of the following criteria as possible will receive preference:

- Preserve restore and/or rehabilitate historic resources identified in the Heritage Landscape Inventory, on the National or State Register of Historic Places, or in Whately Historic Districts.
- Preserve, restore and/or rehabilitate historic resources that are endangered;
- Preserve, restore and/or rehabilitate town-owned properties, features or resources of historical significance.
- Preserve and restore historical resources which the town is legally required to maintain.
- Preserve, restore and/or rehabilitate historic landscapes and viewscales contributing to the town's character.

CPA funds may only be used for preservation and rehabilitation of resources which are listed on the National or State Registers of Historic Places or those which the Whately Historical Commission has determined to be a Historic Resource of the town. Applicants should have the Historical Commission review the project's eligibility prior to submission to the CPC. Privately-owned historic resources are eligible for CPA funding if the resource is covered by a permanent preservation restriction or easement to ensure that the resource will continue to be preserved.

**Community housing** proposals which address as many of the following criteria as possible will receive preference:

- Increase the affordable housing options for individuals and families, including low and moderate income senior housing.
- Contribute to the goal of 10% affordable housing.
- Provide housing that is harmonious in design, scale, setting and materials with the surrounding community.
- Promote long-term sustainability of affordable housing.
- Use existing buildings or construction on previously developed or town-owned sites.
- Use CPA funds to leverage other funding for the development or rehabilitation of affordable rental and owner-occupied housing for local residents.
- Give priority to Whately residents and town employees.

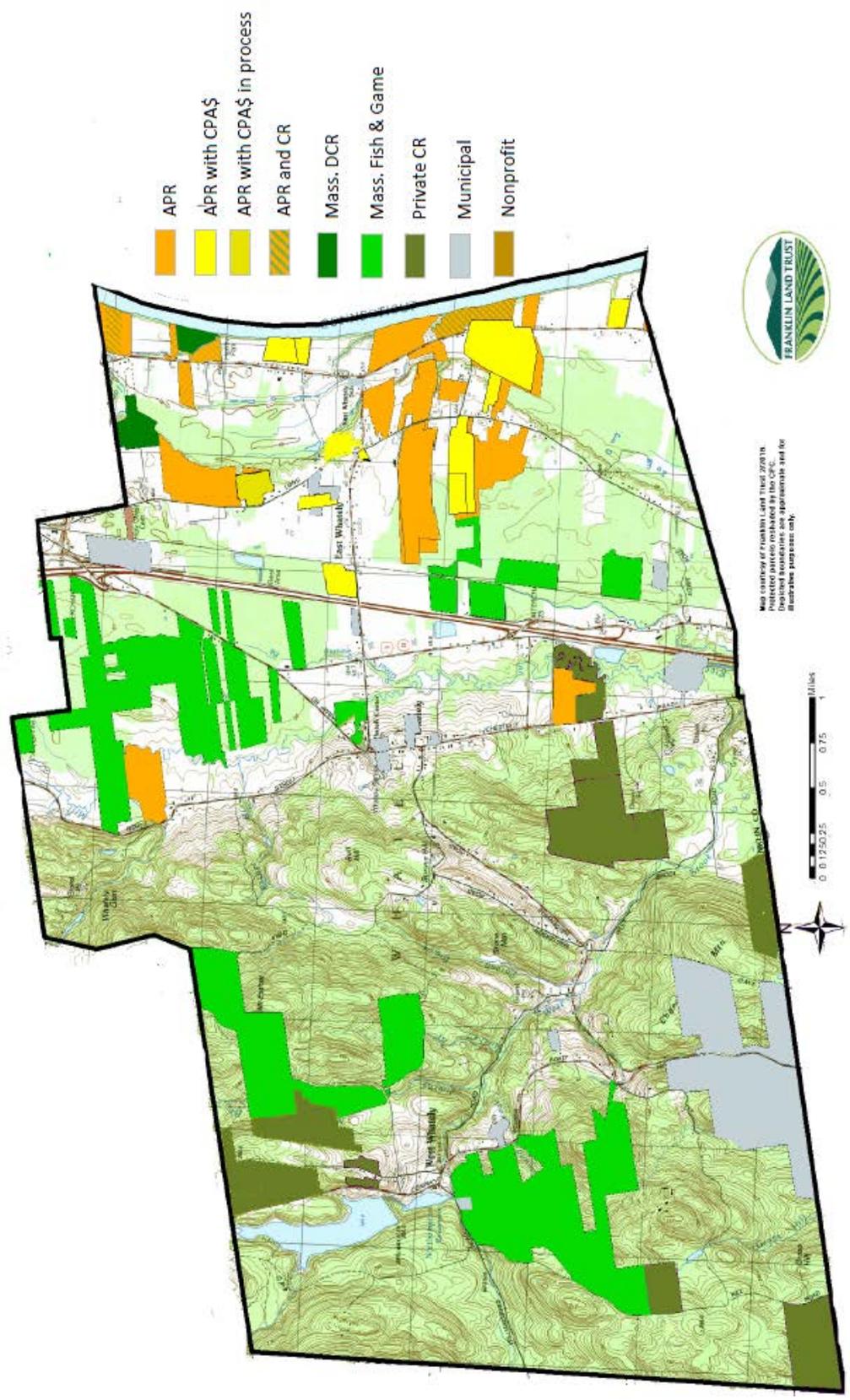
**Recreation** proposals which address as many of the following criteria as possible will receive preference:

- Support multiple recreation uses;
- Serve a significant number of residents;
- Expand the range of recreational opportunities available to Whately residents of all ages;
- Maximize the utility of land already owned by Whately (e.g. school property); or
- Provide access to natural resources and conservation areas throughout town.

In 2012 the Community Preservation Act was amended to allow CPA funds to be used to preserve, rehabilitate or restore recreational land and facilities owned by the municipality in addition to those purchased with CPA funds.

Attachment 1

Whately Open Space Map 2016





Attachment 3

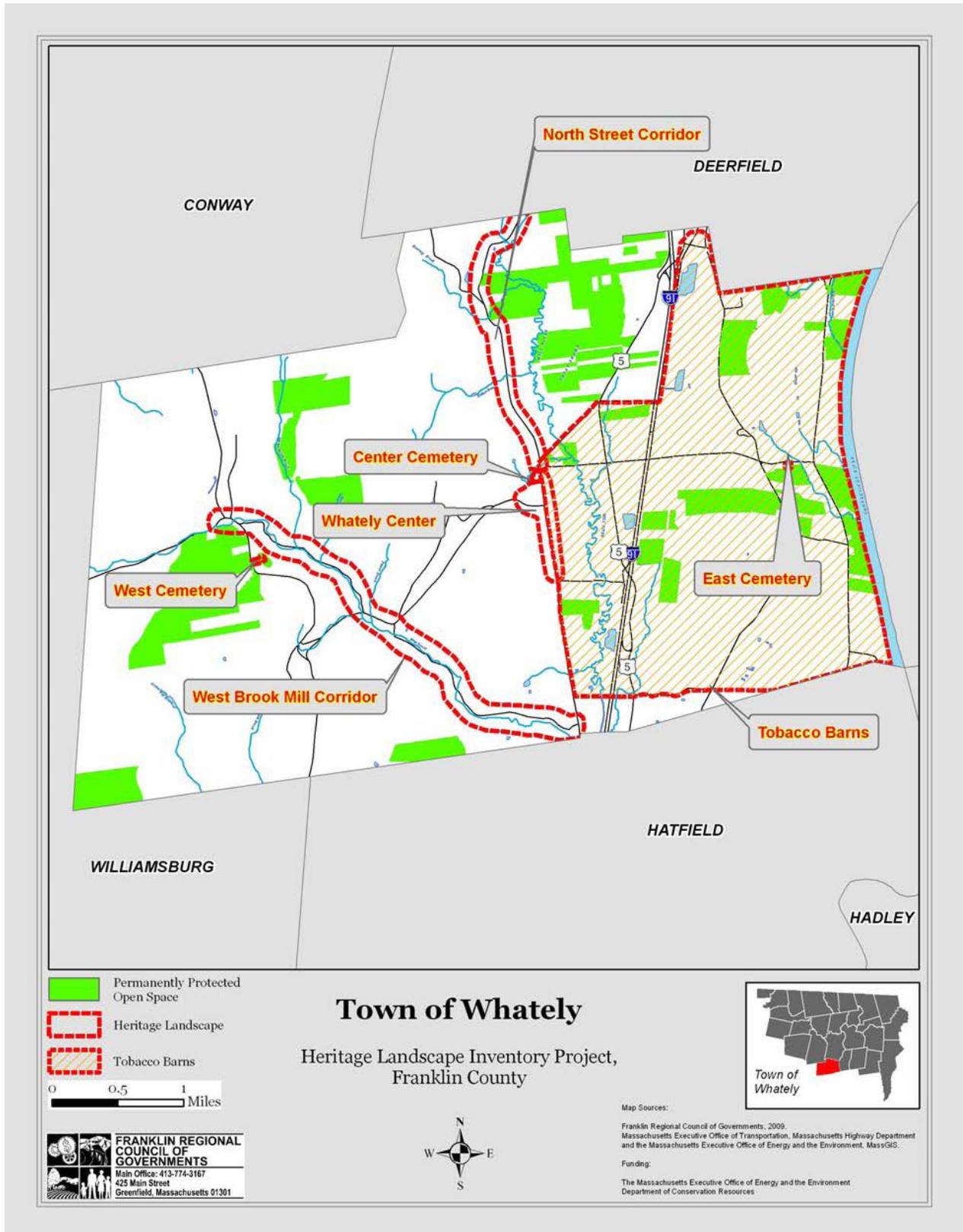


Chart 1  
COMMUNITY PRESERVATION FUND ALLOWABLE SPENDING PURPOSES (G.L. c. 44B, § 5)

DEFINITIONS (G.L. c. 44B, § 2)	OPEN SPACE	HISTORIC RESOURCES	RECREATIONAL LAND	COMMUNITY HOUSING
Land to protect existing and future wetlands, aquifers and recharge areas, watershed land, agricultural land, grasslands, fields, forest land, fresh and salt water marshes and other wetlands, ocean, river, stream, lake and pond frontage, beaches, dunes and other coastal lands, lands to protect scenic vistas, land for wildlife or nature preserve and land for recreational use	Yes	Building, structure, vessel, real property, document or artifact listed on the state register of historic places or determined by the local historic preservation commission to be significant in the history, archeology, architecture or culture of the city or town	Land for active or passive recreational use including, but not limited to, the use of land for community gardens, trails, and noncommercial youth and adult sports, and the use of land as a park, playground or athletic field. Does not include horse or dog racing or the use of land for a stadium, gymnasium or similar structure.	Housing for low and moderate income individuals and families, including low or moderate income seniors  Moderate income is less than 100%, and low income is less than 80%, of US HUD Area Wide Median Income
<b>ACQUISITION</b> Obtain property interest by gift, purchase, devise, grant, rental, lease or otherwise. Only includes eminent domain taking as provided by G.L. c. 44B	Yes	Yes	Yes	Yes
<b>CREATION</b> To bring into being or cause to exist. <i>Stoddard v. City of Newton</i> , 452 Mass. 472 (2008)	Yes		Yes	Yes
<b>PRESERVATION</b> Protect personal or real property from injury, harm or destruction	Yes	Yes	Yes	Yes
<b>SUPPORT</b> Provide grants, loans, rental assistance, security deposits, interest-free write downs or other forms of assistance directly to individuals and families who are eligible for community housing, or to entity that owns, operates or manages such housing, for the purpose of making housing affordable				Yes, includes funding for community's affordable housing trust
<b>REHABILITATION AND RESTORATION</b> Make capital improvements, or extraordinary repairs to make assets functional for intended use, including improvements to comply with Federal, state or local building or access codes or Federal standards for rehabilitation of historic properties	Yes if acquired or created with CP funds	Yes	Yes	Yes if acquired or created with CP funds

Source: Department of Revenue (DOR) 10-5-2012 conference, "Recent Developments in Municipal Law," Workshop B - Local Finances